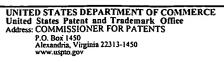




## United States Patent and Trademark Office



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,842	12/29/2000	James O'Toole	CIS00-3784 1084	
7590 05/05/2004			EXAMINER	
Barry W. Chapin, Esq.			LE, HIEU C	
Chapin & Huang, L.L.C.			ART UNIT	PAPER NUMBER
Westborough Office Park			ARTONII	PATER NUMBER
1700 West Park Drive			2142	_
Westborough, MA 01581			DATE MAILED: 05/05/2004	2

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	9				
	09/752,842	O'TOOLE ET AL.					
Office Action Summary	Examiner	Art Unit					
	Hieu c. Le	2142					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days illi apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nety filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on							
a) This action is <b>FINAL</b> . 2b) This action is non-final.							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.					
Disposition of Claims							
4)⊠ Claim(s) <u>1-30</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8)⊠ Claim(s) <u>1-30</u> are subject to restriction and/or €	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) described or b) described to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)  1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO_413)					
Notice of References Cited (P10-892)     Notice of Draftsperson's Patent Drawing Review (PT0-948)	Paper No(s)/Mail Da	ite					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal P 6) Other:	atent Application (PTO-152)					
Paper No(s)/Mail Date  J.S. Patent and Trademark Office	o, 🗀 ouiei						

Application/Control Number: 09/752,842

Art Unit: 2142

## Election/Restriction

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I Claims 1-22, drawn to a method for mainting a map of node relationships for a network of related nodes, classified in class 709, subclass 223.
- II. Claims 23-30, drawn to in a method for mainting a map of node relationships for a network of related nodes, clasified in class 709, subclass 224.
- II The inventions are distinct, each from the other because of the following reasons Inventions I, and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as transmitting the change relationship signal to a parent node of the first node so that the parent node receives an update of a state of relationship. Invention II has separate utility such as in a monitoring between the the first network node and the second network node. See MPEP. § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 5. During a telephone conversation with Southworth S. John, attorney, on 4/22/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Application/Control Number: 09/752,842

Art Unit: 2142

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

SUPERVISORY PATENT EXAMINER